REMARKS

Claims 1-21 are pending in this application. By this Amendment, claims 1, 6, 11, 16 and 21 are amended. Reconsideration based on the above amendments and following remarks is respectfully requested.

Applicants appreciate the courtesies shown to the Applicants' representatives by Examiner Shah and Examiner Smith in the October 8 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

I.   Claim 21 Satisfies 35 U.S.C. §101

The Office Action rejects claim 21 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Specifically, the Office Action asserts that claim 21 is directed towards a "carrier wave" which is non-statutory because it does not fit into any of the three statutory product classes as it is non-physical. Applicants respectfully traverse this rejection.

The MPEP states at section 2106 §4(a), on page 2100-13, that "a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory."

Claim 21 recites a "carrier-wave" that is encoded to transmit a control program to a device for executing the control program. Specifically, a carrier wave is defined as a waveform suitable for modulation by an information bearing signal. The carrier-wave is a computer-readable medium. The carrier-wave is further a data signal and thus, not a natural phenomenon. See "Examination Guidelines for Computer-Related Inventions," U.S. Patent and Trademark Office, claim 13, beginning on page 39, (http://www.uspto.gov/web/offices/pac/dapp/pdf/compenex.pdf).

Claim 21 recites "a device for executing the control program," which constitutes a hardware component. The "control program" recited in claim 21 constitutes the data structure, as it defines structural and functional interrelationships between the data structure in computer software and hardware components. The "carrier wave encoded to transmit a control program usable for managing dynamic transmission to a device for executing a contol program" constitutes pre-processing, lines 1-10 of claim 21, "instructions for receiving . . . instructions for merging the at least one translation skeleton content elements into the content portion," constitutes processing, and "instructions for transmitting . . . to the device" constitutes post-processing. Thus, claim 21 meets the statutory requirements of 35 U.S.C. §101. Withdrawal of this rejection is respectfully requested.

II.   The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-21 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,421,733 to Tso et al. This rejection is respectfully traversed.

Tso does not teach, disclose or suggest skeleton content elements, <u>wherein the at least one skeleton content elements include graphical content elements and textual content elements,</u> as recited in amended claims 1, 6, 11, 16 and 21. See e.g., paragraph [0058] beginning on pg. 13 of the specification.

Specifically, the system for managing dynamic translation transmits the translation of the skeleton content elements as textual content elements in the language indicated by the client. However, if the user browser does not support the client language's character set, then the system transmits the translation of the skeleton content elements as graphical content elements.

Instead, Tso discloses a system for translating the data object into text written in the specified language. See Tso, e.g. pg.8, lines 41-45 and claim 4. Thus, Tso does not disclose

a system that transmits graphical content elements when the textual content elements are not supported by the browser.

Further, none of the applied references teach, disclose or suggest <u>a language determining circuit for determining the language associated with the client and user</u> as recited in amended claim 16. See e.g., paragraph [0038] beginning on pg. 9 of the specification.

III.   <u>Conclusion</u>

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-21 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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